

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

LightSquared Subsidiary LLC)	IB Docket No. 11-109
)	
Application for Modification of Its Authority for)	FCC File No.
An Ancillary Terrestrial Component)	SAT-MOD-20101118-00239

To: Federal Communications Commission

COMMENTS OF OPEN RANGE COMMUNICATIONS INC.

Open Range Communications Inc. (“Open Range”) respectfully submits comments in response to the Public Notice issued by the International Bureau,¹ regarding the final report of the technical working group co-chaired by LightSquared Subsidiary (“LightSquared”) and the United States Global Positioning System (“GPS”) Industry Council on June 30, 2011.

Open Range is a rural broadband wireless service provider, dedicated to bringing the benefits of affordable broadband access to millions of unserved and underserved citizens in rural America. Open Range and LightSquared have entered into an agreement in principle to establish a multi-year strategic partnership through which Open Range will lease LightSquared’s L-band spectrum to provide its rural broadband services. The Open Range network will be integrated into the larger nationwide wireless broadband network to be deployed by LightSquared.² Open Range and LightSquared will collaborate on the design, build-out and operation of Open Range’s network as well as product and service evolution.

¹ *Comment Deadlines Established Regarding the LightSquared Technical Working Group Report*, Public Notice, IB Docket No. 11-109, DA 11-1133 (June 30, 2011).

² *See SkyTerra Communications, Inc., Transferor and Harbinger Capital Partners Funds, Transferee, Applications for Consent to Transfer of Control of SkyTerra Subsidiary, LLC*, Memorandum Opinion and Order and Declaratory Ruling, 25 FCC Rcd 3059, App. B (2010).

Open Range welcomes the news that LightSquared has developed an alternative deployment plan representing a comprehensive solution to the potential for interference with Global Positioning System (“GPS”) receivers.³ Open Range supports LightSquared’s efforts, which will allow LightSquared to move forward with the launch of a nationwide wireless network while protecting GPS users. LightSquared’s launch, and the availability of LightSquared spectrum, will allow Open Range to continue to provide wireless services to rural, unserved and underserved areas, bringing the benefits of broadband service to millions of Americans.

Open Range’s primary mission is to deliver wireless broadband and voice services to communities in rural America. Open Range was formed in 2004 with a vision to build an advanced wireless network that will close the broadband gap between rural and urban areas of the country. The Open Range deployment began in late 2009 and Open Range presently provides high speed Internet and VoIP services in 152 markets covering 2,500,000 people. As the network has become available in rural communities, the services it provides are more flexible, less expensive and easier to use than the services available in many urban areas. In Phase 1 of the Open Range deployment, underway now, the Open Range network will be extended to cover more than six million people in 555 rural communities.⁴ For the first time rural residents in small towns will have the same opportunities for communication, web browsing and connectivity enjoyed by those living in larger American cities. The Open Range

³ See Recommendation of LightSquared Subsidiary, LLC, IB Docket No. 11-109, SAT-MOD-20101118-00239 (June 30, 2011).

⁴ Most of the Open Range network is being built with funding provided by The Department of Agriculture Rural Utilities Service. In March 2008 Open Range was granted a loan for \$267,000,000 to build broadband facilities in 518 communities. Open Range will build facilities in an additional 37 communities (representing regional centers) using its own funds.

plan represents the realization in these rural communities of the ambitious objectives set forth by the FCC in the *National Broadband Plan*.⁵

Wireless technology will for the foreseeable future be the best choice for those seeking to provide broadband service in rural areas. The most significant problem generally confronted by a rural wireless broadband provider is the availability of spectrum in the rural areas it seeks to serve. Presently, most of the spectrum licensed by the FCC that could be used for the deployment of broadband services is licensed on a geographic area basis. These areas include “Cellular Market Areas”, “Basic Trading Areas”, “Major Trading Areas”, “Regional PCS Areas”, “Economic Areas”, “Major Economic Areas”, “Regional Economic Areas”, and “Economic Area Groupings”. All of these license areas are county-size or larger and thus are often far larger than the area of service of a typical system serving an rural community of 20,000 or fewer inhabitants, as defined by the Department of Agriculture Rural Utilities Service. Thus, to serve such a rural community using spectrum licensed in accordance with one of the FCC’s market area schemes, the applicant must purchase a license which includes a far larger area. Any service provider which acquires one of these FCC-licensed geographical areas must first serve the largest urban areas within that territory in order to justify its investment in spectrum. For this reason service to the rural portion of that territory is deferred – often indefinitely. This is one reason why rural broadband has been slow to develop. The purchase of such a license solely to provide rural service is not economically feasible and the area licensing scheme stands as a barrier to the deployment of wireless broadband services in rural areas using licensed spectrum.

⁵ *Connecting America: The National Broadband Plan*, Report to Congress pursuant to the American Recovery and Reinvestment Act of 2009, Pub.L. No 111-5§6001(k)(2)(D), 123 Stat. 115, 516 (2009) (“National Broadband Plan”).

LightSquared's L-Band ATC spectrum provides an ideal platform for the deployment of rural broadband services. The advantageous propagation characteristics of the L-band will allow the provision of cost-effective broadband services to rural America.⁶ The LightSquared MSS/ATC spectrum is licensed on a nationwide basis and will be used by LightSquared to deploy broadband services in urban areas while the rural communities that will be served by the Open Range network are scattered throughout the U.S. Nevertheless, no matter where in the U.S. a small community is located it can be served economically using the LightSquared spectrum. It would be prohibitively expensive to deploy such a network by acquiring spectrum piecemeal. The communities to be served are generally very small, and, as noted above, the location and size of these communities does not correspond well with the geographical divisions commonly used by the FCC in licensing wireless services. Because acquiring a large FCC-defined service area for the purpose of serving only one or two small towns within it would be unaffordable, the nationwide availability of MSS/ATC spectrum makes possible the construction of a broadband network focused specifically on rural areas.

In part for this reason, the FCC's *National Broadband Plan* itself recognized the importance of terrestrial deployment of MSS spectrum as a critical means of making additional spectrum available for broadband deployment.⁷ Both the quantity of spectrum potentially available and the propagation characteristics of that spectrum make MSS spectrum an important component of the FCC's ambitious goal to make 300 MHz of spectrum newly available for mobile use by 2015 to meet explosive increases in demand and ensure that America keeps pace

⁶ See, e.g., National Broadband Plan at 87 ("The MSS allocation consists of a significant amount of bandwidth with the propagation characteristics suitable for mobile broadband.")

⁷ See National Broadband Plan, Recommendation 5.8.4 ("The FCC should accelerate terrestrial deployment in 90 megahertz of Mobile Satellite Spectrum (MSS)").

with the global wireless revolution.⁸ The news that LightSquared is prepared to meet the challenge of potential GPS interference with innovative solutions, combined with LightSquared's readiness to invest billions of dollars to develop and deploy a wholesale network that will increase competition, represents the realization of this aspect of the National Broadband Plan.

Open Range, in its partnership with LightSquared, will help ensure that these benefits reach rural Americans as well. Open Range and LightSquared are building an innovative industrial partnership that is focused on leveraging LightSquared's national reach and Open Range's focus on serving rural markets. The parties are cooperating to identify operations and network synergies, including common device certification, sharing of network design techniques and resources, cost effective nationwide roaming, sharing of vendor relations, application development, and others. Open Range and LightSquared believe this partnership will result in more, and more affordable, service offerings being made available to rural customers – while also benefiting the millions of urban users who work in or visit America's rural communities.

It is no secret that millions of rural Americans are unserved or underserved with respect to their access to affordable broadband services. All parties concerned with remedying this situation should welcome the news that LightSquared's solution to the potential for interference with GPS receivers will allow Open Range, in partnership with LightSquared, to continue to expand service to rural areas of the United States. For the reasons stated above, Open Range urges the Commission to allow LightSquared's launch and Open Range's deployment of rural broadband services to continue, as the Open Range deployment provides an opportunity for rural residents to enjoy wireless broadband services comparable to or better than those available in

⁸ National Broadband Plan at 84.

urban areas today. The Open Range deployment is exactly the kind of innovative use of spectrum envisioned by the Commission in its *National Broadband Plan*. Rural residents are already benefiting from this deployment and Open Range urges the Commission to ensure the deployment and these benefits continue.

Respectfully submitted,

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By its attorney:

/s/ Ken Algiene

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